



08-16-05

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WEMMH PTO/SB/21 (09-04)

Approved for use through 7/31/2006. OMB 0651-0032

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/809,725	
	Filing Date	March 25, 2004	
	First Named Inventor	Frank A. CHAN	
	Group Art Unit	3763	
	Examiner Name	Unassigned	
Total Number of Pages in this Submission		Attorney Docket Number	7404-602

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached PTO-2038 Credit Card Form	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP		
Signature			
Printed Name	Elizabeth A. Shuster		
Date	August 15, 2005	Reg. No.	52,672

### CERTIFICATE OF TRANSMISSION - EXPRESS MAIL

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature		Express Mail Label No.	EV 466814488 US
Typed or printed name	Elizabeth A. Shuster	Date	August 15, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Frank A. CHAN ) Before the Examiner  
Application No. 10/809,725 ) Unassigned  
Filed March 25, 2004 ) Group Art Unit  
PULSATING EXPRESSION CAP ) 3763  
                            ) August 15, 2005

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EV 466814488 US
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Elizabeth A. Shuster
Name
<i>Elizabeth Shuster</i>
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August 15, 2005
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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

1. List of All Patents, Publications, U.S. Applications, or Other Information

Pursuant to the provisions of 37 CFR 1.56, 1.97, and 1.98, Applicant requests consideration of the references listed on the attached PTO/SB/08 form(s) (commonly referred to as a PTO-1449 form) and/or the additional information identified below.

2. Enclosed Legible Copies

- a. A legible copy of each foreign patent document and publication listed on the PTO/SB/08 form is enclosed,
- i. except, a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior U.S. Patent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_ from which the present application claims priority under 35 U.S.C. §120.
- ii. except, a copy is not provided for each cumulative reference and enclosed reference identified below:
- b. A copy of the specification and drawings for each cited unpublished U.S. application.
- c. A copy of a Search Report or Written Opinion from a foreign patent office is also enclosed.
- d. Consideration of the enclosed additional and/or below discussed information is requested.

3. Concise Explanation of Relevance for Non-English Language Information

For each non-English language reference listed on the attached SB/08 form(s), reference is made to:

- 3a. an English language translation submitted herewith,
- 3b. foreign patent office Search Report (in the English language) submitted herewith,
- 3c. an English language translation of a foreign patent office Search Report submitted herewith,
- 3d. the concise explanation contained in the present application at page(s) \_\_\_\_\_,
- 3e. the concise explanation set forth in the attached English language abstract,
- 3f. a copy of a related patent publication (in the English language) submitted herewith,

Foreign Patent Document	Corresponding English Language Patent Document

- 3g. the following concise explanation:

4. Time for Filing

- 4a. This Information Disclosure Statement is submitted:
  - i. for U.S. national applications or national stage PCT applications (not including CPAs and RCEs), within 3 months of filing or entry into national stage; or
  - ii. for U.S. national applications, national stage PCT applications, CPAs or RCEs, before the first Office Action on the merits,and thus no certification and/or fee is required.
- 4b. This information Disclosure Statement is submitted after three months from the filing date and after the first Office Action on the merits, but prior to the mailing date of a final Office Action or Notice of Allowance, and thus:
  - i. the statement specified in 37 CFR §1.97(e) is provided below, or
  - ii. a fee of \$ \_\_\_\_\_ (set forth in 37 CFR §1.17(p)) is enclosed.
- 4c. This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:
  - i. the statement specified in 37 CFR §1.97(e) is provided below, and a fee of \$ \_\_\_\_\_ (set forth in 37 CFR §1.17(p)) is enclosed, or
  - ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

- 4d. This Information Disclosure Statement is submitted after payment of the issue fee, and thus:
- i. a Petition to Withdraw from Issue pursuant to 37 CFR §1.313(c)(2) has been filed, and
  - ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

5. Certification- Statement Under 37 CFR 1.97(e)

- 5a. It is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.
- 5c. It is hereby certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: Elizabeth A. Shuster  
Elizabeth A. Shuster, Reg. No. 52,672  
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AUG 15 2005

PTO/SB/08A (09-03)

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/809,725
				Filing Date	3/25/2004
				First Named Inventor	CHAN
				Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	7404-602
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		6,332,871	B1	12-25-2001	Douglas et al.

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/809,725
				Filing Date	3/25/2004
				First Named Inventor	CHAN
				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	7404-602

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite 1 No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code- Number	Kind Code <sup>5</sup> (if known)				
		JP 02-065648	A1	03-05-2002	Matsushita Electric		<input type="checkbox"/>
		WO 02/100276	A1	12-19-2002	Amira Medical		<input type="checkbox"/>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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